

LP

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CRAIG SAUNDERS,
Plaintiff,

Civil Action No. 07-1468

v.

JUDGE GWENDOLYN BRIGHT, et al.,
Defendants.

FILED

MAY 11 2007

MICHAEL E. ROSE, Clerk
By: MS Clerk

MEMORANDUM/ORDER

Plaintiff Craig Saunders, who is incarcerated at S.C.I. Rockview, seeks to bring a civil action *in forma pauperis*, without prepayment of fees or security therefor (Docket No. 4). The attached complaint claims damages from the above-named defendants for alleged deprivations of Saunders's civil and constitutional rights in violation of 42 U.S.C. § 1983 and other federal and state law. Saunders's initial motion to proceed *in forma pauperis* (Docket No. 1) was denied without prejudice because he had "failed to file a certified copy of his inmate account statement for the entire six-month period prior to the receipt of his complaint" as required by 28 U.S.C. § 1915. Order of April 18, 2007 (Docket No. 2). Subsequently, Saunders filed a new application to proceed *in forma pauperis*, this time accompanied by the required inmate account statement. *See* Application to Proceed *In Forma Pauperis* with Certified Prison Account Statement and

Certified Prisoner Trust Fund Account Statement (Docket Nos. 4–5).¹ Because he has now complied with the filing requirements, and because the documentation provided shows that he is eligible for IFP status, Saunders’s motion to proceed IFP will be granted, and his complaint will be filed.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (April 26, 1996) (the “Act”), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action or file an appeal *in forma pauperis*. Under the Act, a prisoner bringing a civil action *in forma pauperis* must pay the full amount of the \$350 filing fee. 28 U.S.C. § 1915(b)(1). The prisoner must submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint so the court can determine how the \$350 filing fee will be paid. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. *Id.* The court must then “assess [the prisoner’s financial status] and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—(A) the average monthly deposits to the prisoner’s account; or (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint” *Id.* § 1915(b)(1).

Plaintiff’s inmate trust fund account statement for the six-month period

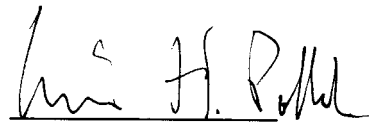
¹ Saunders also filed a motion for reconsideration of my original order denying his motion to proceed *in forma pauperis* (Docket No. 3). Because I will grant his second application to proceed *in forma pauperis*, I will deny the motion for reconsideration as moot.

immediately preceding the filing of his complaint shows average monthly deposits of \$112.06, average monthly balances of \$65.70 and a current balance of \$50.06. Based upon this financial information, an initial partial filing fee of \$22.41 is assessed. The Superintendent or other appropriate official at S.C.I. Rockview, or at any prison at which plaintiff may be incarcerated, will be directed to deduct \$22.41 from plaintiff's prison account and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania. Thereafter, each time that the balance in plaintiff's prison account exceeds \$10.00, an amount no greater than 20 percent of the money credited to plaintiff's account during the preceding month will be deducted and forwarded to the Clerk of Court until the filing fee is paid in full.

AND NOW, this 10 day of May, 2007, for the reasons stated above, it is hereby ORDERED that:

1. Plaintiff's motion to proceed *in forma pauperis* (Docket No. 4) is GRANTED;
2. The Clerk of Court shall REOPEN this case;
3. The United States Marshal shall serve the complaint upon the defendants; and
4. Plaintiff's motion for reconsideration (Docket No. 3) is DENIED as MOOT.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "J. Pollak", written over a horizontal line.

Pollak, J.